

## **BOARD OF ADJUSTMENT AGENDA**

Board of Adjustment Regular Meeting - Thursday, July 23, 2015 - 6:00 p.m.  
City Hall - City Commission Chambers, 100 North U.S. #1, Fort Pierce, Florida

1. **CALL TO ORDER**
2. **PRAYER and PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **CONSIDERATION OF ABSENCES**
5. **CERTIFICATION OF ALTERNATE MEMBER(S)**
6. Minutes of the June 25th, 2015 Meeting
7. **APPROVAL OF MINUTES**
8. **NEW BUSINESS**
  - A. **Variance – Reduction of Side & Rear Setback for an Accessory Structure  
Iglesias Residence  
2727 Oleander Blvd.**
9. **ELECTION OF CHAIR AND VICE CHAIR**
10. **DISCUSSION / OTHER BUSINESS**
11. **ADJOURNMENT**

Any person seeking to appeal any decision by the Board of Adjustment with respect to any matter considered at this meeting is advised that a record of proceedings is required in any such appeal and that such person may need to insure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based.

Persons who require special accommodations under the Americans with Disabilities Act (ADA) should contact the Planning Department at (772) 467-3729, at least five (5) days prior to the meeting. Persons who are hearing or speech impaired may use the Florida Relay System by dialing 711.

**Planning Board of Adjustment**

**Meeting Date:** 07/23/2015

**Re:** Minutes of the June 25th, 2015 Meeting

**Submitted For:** Rebecca Grohall, Planning & Zoning Manager, Planning & Zoning

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**Information**

**SUBJECT:**

Minutes of the June 25th, 2015 Meeting

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**Attachments**

Minutes

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**Form Review**

Form Started By: Kori Benton

Started On: 07/17/2015 12:39 PM

Final Approval Date: 07/17/2015

# DRAFT



## CITY OF FORT PIERCE BOARD OF ADJUSTMENT

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### Board of Adjustment Minutes

OF THE REGULAR MEETING OF THE FORT PIERCE CITY BOARD OF ADJUSTMENT HELD ON  
THURSDAY, **June 25, 2015**, IN FORT PIERCE CITY HALL, COMMISSION CHAMBERS, 100  
NORTH US HIGHWAY 1, FORT PIERCE, FLORIDA.

**1. CALL TO ORDER**

**2. PRAYER and PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

Present: James Crist; Clem Benton, Jr.; William Nunn; Chairwoman - Joyce Calvert;

Absent: BJ Beavin; Bennie Clark; Bret McCain

Staff Present: Kori Benton, Historic Preservation Officer

Attendees: Steve McCain, Assistant City Attorney

**4. CONSIDERATION OF ABSENCES**

Motion was made by James Crist, and seconded by Clem Benton, Jr. to excuse the absences of Mr. Clark, Mr. McCain, and Ms. Beavin.

AYE: James Crist; Clem Benton, Jr.; William Nunn; Chairwoman – Joyce Calvert  
Passed

**5. CERTIFICATION OF ALTERNATE MEMBER(S)**

No alternate members were present.

**6. APPROVAL OF MINUTES**

a. Minutes of the May 28, 2015 meeting

Motion was made by James Crist, and seconded by Clem Benton, Jr. to approve the minutes from the May 28, 2015 meeting.

AYE: James Crist; Clem Benton, Jr.; William Nunn; Chairwoman – Joyce Calvert

Passed

## 7. NEW BUSINESS

Attorney McCain explained the procedural rule that in the event only four members of the Board attend a meeting, the applicant has the option to either proceed with the matter or have the matter continued to a meeting in which five members of the Board attend. Both Variances and Special Exceptions require the super majority or an affirmative vote of four. A decision of postponement needs to be made after the public hearing and prior to the vote.

The applicant decided to continue.

Question was asked, that if we go through the Public Hearing portion, can we still postpone?

Attorney McCain answered that it can be reconsidered prior to formal decision.

### a. Variance – Darrido Residence – 2727 Oleander Drive

Mr. Kori Benton gave an overview of the variance for storage shed location. The request was to deviate setbacks for storage shed. He presented an aerial view of the location. The shed is located on the NW corner of property. The shed that existed previously was demolished and a new one built. There was no permit. Setbacks are 7 ft. The shed is 5.5 ft. north side and 5 ft. west side. Extensive improvements have been accomplished by the applicants since they purchased the property in 2014. Staff sent 9 letters to property owners near the applicant's location. Three letters came back approval of the shed. Applicant had submitted two letters from neighbors supporting the location of the shed. Staff recommended for the board to provide a conditional approval with landscaping to provide a barrier for the shed.

Discussion followed from board members. Mr. Clem Benton, Jr., wanted to confirm that we are only talking approximately 2 ft. off. He also wanted to confirm that the applicants had neighbors support. Mr. Kori Benton confirmed that both issues were true. The board was concerned that the shed was replaced without permit. The applicant stated they did not know they needed a permit. Mr. Kori Benton stated the only thing wrong with the shed is that they did not get a permit and it did not meet the code of 7 ft. setback. The shed does not encroach on neighbors. There was a further concern on the run off from the shed onto other properties. Suggestions were made on how to prevent this.

Mr. Kori Benton stated the applicants had three options: Remove shed, replace shed, or ask for Variance.

Luis Darrido, 2727 Oleander Blvd, was asked questions that were interpreted by his daughter. Applicant informed the board that he did the construction. He had previously worked for the city of Miami-Dade doing construction. Mr. Kori Benton stated it is not required for a construction company to do the work on private property.

The board asked what type of shed was on the property previously. A neighbor, Jeremy Hicks answered that it was on a concrete slab and was aluminum.

Plans were submitted for the shed on May 26, 2015 after the shed was built and the applicant had been cited with building without a permit.

Mr. James Crist asked about future plans for the 6 ft. posts evident in the photos. Applicant wants to build a carport. It was explained to ensure a permit before any other construction. James Crist did note that the shed was well built.

Chairwoman Calvert recommended postponement. Applicants did not want to postpone. Question was brought up on soil treatment before concrete was poured. It was not accomplished. Mr. Clem

Benton, Jr., asked if it is required by the city to have soil treatment. Mr. Kori Benton stated it is.

Attorney McCain stated if motion was made to approve and then failed the applicant can't come back for 6 months. Alternatives to the board – If one or more board members have reservations they could request postponement. Their options are Motion to deny; Motion to approve as is; Motion to approve with conditions; Motion to continue.

Chairwoman Calvert has reservations on the application. Her reservations were non-conforming to the standards required and no permit.

Mr. Clem Benton, Jr., asked what happens if it fails. Mr. Kori Benton stated if it fails, the applicants would have to relocate the shed or represent in six months.

Motion was made by Mr. James Crist, and seconded by Mr. Clem Benton, Jr., to continue the request for variance to the next month.

AYE: Mr. James Crist; Mr. Clem Benton, Jr., and Mr. William Nunn

NO: Chairwoman Joyce Calvert

Passed

**8. DISCUSSION / OTHER BUSINESS**

Staff request postponement of elections till next month's meeting.

**9. ADJOURNMENT**

## Planning Board of Adjustment

Meeting Date: 07/23/2015

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### Information

#### REQUESTED ACTION

**Variance – Reduction of Side & Rear Setback for an Accessory Structure  
Iglesias Residence  
2727 Oleander Blvd.**

#### LOCATION

**2727 Oleander Blvd.**

#### RESPONSIBLE STAFF

Vennis Gilmore, Planner

#### RECOMMENDATION

Denial

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### Attachments

[Staff Report](#)

[Aerial](#)

[Zoning Map](#)

[Applicant Responses to Criteria for Variance Consideration](#)

[Photos of Shed](#)

[Survey & Shed Plan](#)

[Support Letters from Neighbors](#)

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### Form Review

Form Started By: Kori Benton

Started On: 07/16/2015 04:14 PM

Final Approval Date: 07/17/2015



# CITY OF FORT PIERCE

## PLANNING DEPARTMENT

REBECCA GROHALL, AICP, PLANNING MANAGER  
COMPREHENSIVE PLANNING ♦ DEVELOPMENT REVIEW  
HISTORIC PRESERVATION ♦ URBAN DESIGN ♦ URBAN FORESTRY ♦ ZONING

**TO:** Members of the City of Fort Pierce Board of Adjustment

**THROUGH:** Kori Benton, Senior Planner

**FROM:** Vennis Gilmore, Planning Analyst

**RE:** **Variance - Reduction of Side & Rear Setback for an Accessory Structure  
Iglesias Residence  
2727 Oleander Blvd.**

**DATE:** June 17<sup>th</sup>, 2015

### STAFF REPORT

**Owners/Applicants:** Zoelyn Iglesias  
2727 Oleander Blvd.  
Fort Pierce, FL 34982

**Requested Action:** Consider a variance request to deviate from City Code Sections 22-25. (c) To allow below the minimum requested setback from the rear property for accessory structures.

**Location:** 2727 Oleander BLVD

**Parcel ID:** 2422-322-0001-000-8

**Zoning:** R-2, Single-Family Intermediate Residential

**Surrounding Zoning:**

North	East	South	West
R-2	R-2	R-2	R-2

**Future Land Use:** RL (Low Density Residential)

**Parcel Size:** .43 acres

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**Staff Analysis:**

In accordance with Article VIII of Section 22 of the City Code, the applicant is requesting the Board of Adjustment approve a Variance to deviate City Code Section 22-25 (b) (2) b. & c. to encroach into the minimum side and rear yard (setback), which is mandated at seven (7) feet within the R-2 zone. The request specifically seeks retain an accessory structure, which has yet to be permitted, that encroaches two (2) feet into the rear yard (setback) and one and a half (1.5) feet into the interior side yard (setback), which would reduce a portion of the respective yards (setback) to five (5) and five and one-half (5.5) feet.

The subject site is located at 2727 Oleander Blvd, in a predominately residential area. The subject site is .43 acres in size, and features a single-family home currently occupied by the owners. The site was purchased by the applicants in 2014. At the time of purchase, there was an existing shed in the current location. The current owners demolished, and constructed the subject shed in the same location, without a building permit. The Building Department has noted this construction, and is requiring a building permit and inspection to retain this accessory structure.

The application proposes to maintain the constructed accessory structure – which violates the established yard (setback) requirements established by the code of ordinance - in its current location, without relocation. The existing storage shed is 207 sq. ft. in area, with an overall height of ten (10) ft.

It is noted that the applicant has retained letters of support from the neighbors, directly abutting their property, and the design of the accessory structure is a custom design, enhanced specific for the subject property owner.

**Variance Criteria**

The following criteria are specified in Section 22-108 of the City Code, which must be satisfied in order for a variance to be granted:

1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district;
2. The special conditions and circumstances do not result from the actions of the applicant;
3. The literal interpretation of the provision of the zoning ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance and would result in unnecessary and undue hardship on the applicant;
4. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
5. The granting of the variance will be in harmony with the general intent and purpose of the ordinance and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The applicants, in the attached application and supporting documents, cite various factors and explanation with regard to the above-referenced criteria.

The concerns of Staff in consideration of the presented case, by the applicant, for compliance with the established criteria are centered on Criteria #2, #3, & #4, acknowledging that the current conditions

and circumstances are a result from the actions of the applicant. Furthermore, it is unclear how the established setbacks are depriving the applicant of rights commonly enjoyed by other properties in the same zoning district, and that the absence of a variance will restrict the reasonable use of the land, building or structure.

**Property Owner Response Summary:**

A total of 9 notifications were mailed to abutting property owners. As of June 17, 2015, 0 responses have been received. An updated recording of responses will be provided to the Board at the hearing.

**Staff Recommendation:**

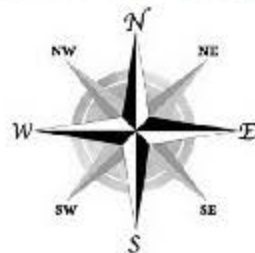
The characteristics associated with the presented site cited in the application present factors for the Board of Adjustment to consider with regards to the established criteria specified in Section 22-108 of the City Code.

The recommendation of Staff is to **Deny** the requested variance, to authorize a variance to maintain the current storage shed location, based upon the presented characteristics and circumstances presented in the request.

If the Board of Adjustment considers the presented case with a favorable decision of approval; Planning Staff recommends conditioning the approval upon the addition of shrubs/vegetation within the reduced setback to mitigate the reduction and buffer the structure from the neighboring properties.



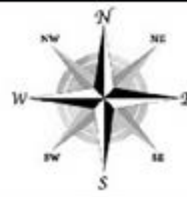
# 2727 Oleander Blvd Site Aerial





# 2727 Oleander Blvd

## Zoning Map



Criteria:

- 1) Describe those conditions peculiar to the specific property and not applicable to other lands, structures, or buildings in the same zoning district.

- Reason of keeping the shed purposes is for keeping all the children stuff in the home because I'm 7 month pregnant. The shed purpose is for extra storage.

2) Does special conditions or circumstances result from actions other than that of yours? Please explain.

- My family is expanding and need more space.

3) Identify any undue hardships or deprivation of commonly enjoyed property rights that would result in the literal interpretation of the code for the zoning district.

- I have invested so much time and money. Been to the building and planning department numerous times as well with the architect, general contractor, and surveyor. All the material for this shed. All this I can include receipts. The difficulty moving the shed will cost extra money. All my funds have exceeded. I didn't know we needed permits. We just put a shed replacement.

4) What is the minimum variance that would give the reasonable use of the land building, or structure?

- If I'm not able to keep the shed can I have 6 to 8 month to move it.

5) Explain how the variance request would not impair the intent of the zoning ordinance or be detrimental to the general public welfare:

- I have letters from each neighbor explaining they have no problems with the shed. I have letters from the architect and various people I have hired that the shed is safe and well build.















# Boundary Survey For: Zoelyn Iglesias

## LEGAL DESCRIPTION:

PART OF SECTION 22, TOWNSHIP 35 SOUTH, RANGE 40 EAST, ST. LUCIE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;  
BEGINNING AT THE SOUTHEAST CORNER OF LOT 12, IN BLOCK "E", OF THE SUBDIVISION ENTITLED MARAVILLA ESTATES, AS RECORDED IN PLAT BOOK 8, PAGE 77, OF THE PUBLIC RECORDS OF SAINT LUCIE COUNTY, FLORIDA; THENCE RUN SOUTHERLY ALONG THE WEST RIGHT OF WAY LINE OF OLEANDER BOULEVARD, SAID ROAD HAVING A 60.00 FOOT RIGHT OF WAY, FOR A DISTANCE OF 129.60 FEET, MORE OR LESS, TO A POINT BEING THE INTERSECTION OF SAID RIGHT OF WAY LINE AND THE NORTH RIGHT OF WAY LINE OF GATEWOOD AVENUE (A 50.00 FEET RIGHT OF WAY); THENCE RUN WESTERLY ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 144.91 FEET, MORE OR LESS TO A POINT BEING THE SOUTHERLY EXTENSION OF THE REAR LOT LINE OF LOTS 12 AND 13, OF SAID BLOCK E; THENCE RUN NORTHERLY ALONG A LINE PARALLEL TO THE WEST RIGHT OF WAY LINE OF OLEANDER BOULEVARD, FOR A DISTANCE OF 129.60 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID LOT 12; THENCE RUN EASTERLY ALONG THE SOUTH LINE OF LOT 12, FOR A DISTANCE OF 144.91 FEET, MORE OR LESS, TO THE POINT OF BEGINNING. ALL LYING AND BEING IN ST. LUCIE COUNTY, FLORIDA.

## LEGEND & ABBREVIATIONS:

A/C	DENOTES AIR CONDITIONER	OCC.	DENOTES OCCUPIED
BLK	DENOTES BLOCK	OHP	DENOTES OVERHEAD UTILITIES
BSL	DENOTES BUILDING SETBACK LINE	ORB	DENOTES OFFICIAL RECORDS BOOK
CBS	DENOTES CONCRETE BLOCK STRUCTURE	PB	DENOTES PLAT BOOK
CONC.	DENOTES CONCRETE	PCP	DENOTES PERMANENT CONTROL POINT
CM	DENOTES CONCRETE MONUMENT	PG	DENOTES PAGE
C/L	DENOTES CENTERLINE	POB	DENOTES POINT OF BEGINNING
D&UE	DENOTES DRAINAGE & UTILITY EASMENT	POC	DENOTES POINT OF COMMENCEMENT
ELEC.	DENOTES ELECTRIC	PSM	DENOTES PROFESSIONAL SURVEYOR & MAPPER
ELEV	DENOTES ELEVATION	IP	DENOTES IRON PIPE
FFE	DENOTES FINISH FLOOR ELEVATION	IR	DENOTES IRON ROD
FND	DENOTES FOUND	IRC	DENOTES IRON ROD & CAP
FND	DENOTES FOUND	LB	DENOTES LICENSED BUSINESS
C	DENOTES CALCULATED FROM FIELD MEASUREMENTS	LS	DENOTES LICENSED SURVEYOR
P	DENOTES PLAT DATA	R/W	DENOTES RIGHT OF WAY
M	DENOTES MEASURED DATA	TOB	DENOTES TOP OF BANK
ID	DENOTES IDENTIFICATION NUMBER	TYP	DENOTES TYPICAL
↕	DENOTES FLOW LINE	UE	DENOTES UTILITY EASEMENT
⊕	DENOTES ELEVATION (TYPICAL)	VAC.	DENOTES VACANT
⊕	DENOTES WATER METER	⊕	DENOTES ELECTRIC SERVICE BOX
⊕	DENOTES SEWER MANHOLE	⊕	DENOTES TELEPHONE SERVICE BOX
⊕	DENOTES UTILITY POLE		
NAVD	DENOTES NORTH AMERICAN VERTICAL DATUM		

## GENERAL NOTES:

1. THE BEARINGS SHOWN HEREON ARE REFERENCED TO THE CENTERLINE OF GATEWOOD AVENUE, HAVING A BEARING OF S88°01'25"E, ACCORDING TO THE PLAT OF MARAVILLA ESTATES, AS RECORDED IN PLAT BOOK 8, PAGE 77, PUBLIC RECORDS, SAINT LUCIE COUNTY, FLORIDA.
2. ALL ABOVE GROUND FIXED IMPROVEMENTS, IF ANY, HAVE BEEN LOCATED AND SHOWN HEREON.
3. UNDERGROUND UTILITIES AND UTILITY SERVICES HAVE NOT BEEN LOCATED ON THIS SURVEY.
4. FLOOD NOTE: BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE "X", ACCORDING TO THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 12111C0187 J, EFFECTIVE DATE FEBRUARY 16, 2012. THE EXACT DESIGNATION CAN ONLY BE DETERMINED BY AN ELEVATION CERTIFICATE.
5. ELEVATIONS SHOWN HEREON ARE IN FEET AND BASED UPON NORTH AMERICAN VERTICAL DATUM OF 1988.
6. LANDS SHOWN HEREON WERE NOT ABSTRACTED BY THIS OFFICE FOR RIGHTS-OF-WAY, EASEMENTS OF RECORD, OWNERSHIP, ABANDONMENT'S DEED RESTRICTIONS, OR MURPHY ACT DEEDS.
7. THE LAST DATE OF FIELD WORK WAS MAY 7, 2015.
8. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
9. REPRODUCTIONS OF THIS MAP ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER.

## STREET ADDRESS:

2727 OLEANDER BOULEVARD, FORT PIERCE, FL 34982

CERTIFIED TO:  
ZOELYN IGLESIAS;

*Charles Arnold* 5/14/2015  
**CHARLES ARNOLD** DATE SIGNED  
PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA LICENSE NO. 4971

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JOB NO: 15-522  
DESC: FTP OLEAN  
DATE: 05/12/15  
SCALE: 1"=30'  
DRAWN BY: CA

**ARNOLD SURVEYING, INC.**  
PROFESSIONAL SURVEYORS AND MAPPERS  
FLORIDA LICENSED BUSINESS NUMBER 7903  
4888 N. KINGS HWY #425, FORT PIERCE, FLORIDA 34951  
24 VERDE VISTA, FORT PIERCE, FLORIDA 34951  
PHONE: (772) 460-8211 FAX: (772) 460-8210

Jeromy and Melissa Hicks

2723 Oleander Blvd

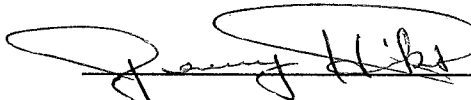
Fort Pierce, FL 34982

6/1/15

To whom it may concern:

My name is Melissa Hicks. My husband and I own/reside at the above address. As to my understanding our neighbor Zoelyn Iglesias at 2727 Oleander Blvd Fort Pierce, FL 34982 has built a shed/carport, and needs the approval from her surrounding neighbors to be able to keep her shed/carport at its current location. Both my husband and I have no problem as to where their shed/carport is located. If you should have any further questions for me/us can be contacted at the above address.

Thank you for your time,

 6-1-15

Signature and date

 6-1-15

Signature and date

Name: Carol-Jean Proske

Address: 910 Gatewood Ave

Ft. Pierce, FL 34982

6/1/15

To whom it may concern:

My name is Carol-Jean Proske, ~~I/we~~ <sup>reside</sup> own/~~reside~~ at the above address. As to my

understanding our neighbor Zoelyn Iglesias at 2727 Oleander Blvd Fort Pierce, FL 34982 has built a

shed/carport, and needs the approval from her surrounding neighbors to be able to keep her

shed/carport at its current location. ~~I/we~~ have no problem as to where their shed/carport is located. If

you should have any further questions for me/~~us~~ can be contacted at the above address.

Thank you for your time,

Carol-Jean Proske - June 1, 2015

Signature and date